

1999 DRAFTING REQUEST**Bill**Received: **04/23/99**Received By: **kuesejt**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**By/Representing: **Glenn Wavrunek**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**Extra Copies: **JTK-1
MES-1**

Pre Topic:

No specific pre topic given

Topic:

County and city campaign finance legislation

Instructions:

Permit cities and counties to enact ordinances, consistent with adherence to state law, that impose stricter regulation of campaign financing for city or county offices

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rmarchan 05/26/99 rmarchan 06/7/99	chanaman 05/26/99 chanaman 06/7/99	jfrantze 06/1/99	_____	lrb_docadmin 06/1/99		S&L
/1			jfrantze 06/7/99	_____	lrb_docadmin 06/8/99	gretskl 06/8/99 lrb_docadmin 06/8/99	S&L
/2	rmarchan 06/9/99	chanaman 06/9/99	martykr 06/9/99	_____	lrb_docadmin 06/9/99	lrb_docadmin 06/9/99	S&L

Vers. Drafted Reviewed Typist Proofed Submitted Jacketed Required

FE Sent For:

<END>

G 07-14-99

1999 DRAFTING REQUEST**Bill**Received: **04/23/99**Received By: **kuesejt**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**By/Representing: **Glenn Wavrunek**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**Extra Copies: **JTK-1
MES-1**

Pre Topic:

No specific pre topic given

Topic:

County and city campaign finance legislation

Instructions:

Permit cities and counties to enact ordinances, consistent with adherence to state law, that impose stricter regulation of campaign financing for city or county offices

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rmarchan 05/26/99 rmarchan 06/7/99	chanaman 05/26/99 chanaman 06/7/99	jfrantze 06/1/99	_____	lrb_docadmin 06/1/99		S&L
/1		cmr 6/9 12	jfrantze 06/7/99 km 6/9	_____	lrb_docadmin 06/8/99	gretskl 06/8/99 lrb_docadmin 06/8/99	S&L

km 6/9
km 6/9

FE Sent For:

1999 DRAFTING REQUEST**Bill**Received: **04/23/99**Received By: **kuesejt**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**By/Representing: **Glenn Wavrunek**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**Extra Copies: **JTK-1
MES-1**

Pre Topic:

No specific pre topic given

Topic:

County and city campaign finance legislation

Instructions:

Permit cities and counties to enact ordinances, consistent with adherence to state law, that impose stricter regulation of campaign financing for city or county offices

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rmarchan 05/26/99	chanaman 05/26/99	jfrantze 06/1/99	_____	lrb_docadmin 06/1/99		S&L
	rmarchan 06/7/99	chanaman 06/7/99		_____			
/1			jfrantze 06/7/99	_____	lrb_docadmin 06/8/99		S&L

FE Sent For:

<END>

1999 DRAFTING REQUEST**Bill**Received: **04/23/99**Received By: **kuesejt**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**By/Representing: **Glenn Wavrunek**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**Extra Copies: **JTK-1
MES-1**

Pre Topic:

No specific pre topic given

Topic:

County and city campaign finance legislation

Instructions:

Permit cities and counties to enact ordinances, consistent with adherence to state law, that impose stricter regulation of campaign financing for city or county offices

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rmarchan 05/26/99	chanaman 05/26/99	jfrantze 06/1/99	_____	lrb_docadmin 06/1/99		S&L

FE Sent For:

cmh
6/1
/1

6/6/99

6/6/99

<END>

1999 DRAFTING REQUEST**Bill**Received: **04/23/99**Received By: **kuesejt**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**By/Representing: **Glenn Wavrunek**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - campaign finance**Extra Copies: **JTK-1
MES-1**

Pre Topic:

No specific pre topic given

Topic:

County and city campaign finance legislation

Instructions:

Permit cities and counties to enact ordinances, consistent with adherence to state law, that impose stricter regulation of campaign financing for city or county offices

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan	cmh 5/24 1/91	7/6/1	7/6/1 6/1			

FE Sent For:

<END>



LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

BILL REQUEST FORM

Attn: Jeffery Kuesel 6-6778

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 4/21	Legislator or agency requesting this draft: Rep. Pocan
Name/phone number of person submitting request: 266-8570	
Persons to contact for questions about this draft (names and phone numbers please): Glenn → 266-8570	
Describe the problem, including any helpful examples. How do you want to solve the problem? Allow local county & city governmental units to adopt stricter campaign finance laws than what is currently in state statutes. For example, if the Madison City Council would want stricter campaign finance laws, they would have the power to do so.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? ☒ YES ☐ NO

If yes, anyone who asks? ☒ YES ☐ NO

Any legislator? ☐ YES ☐ NO ☐ ONLY the following persons:

Do you consider this urgent? ☐ YES ☒ NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

☐ YES ☒ NO If yes, please sign your name here:

1. s. 11.26 limits on political contributors? (4)

calling
back

2. Disturbance levels in s. 11.31

- determine max. contributions from certain organizations
- don't really apply to locals bc locals aren't up for grant from US elec. comp. fund
- Want to authorize locals to publicly fund local campaigns with local \$?

~~Her name is to be kept~~

3. Elections by certified local ordinance is "stricter" than state law? (Y)

(permitted) (U)

4. Allow ordinance requiring electronic filing of campaign finance rpts for local office candidates

(or inspector?)

Calligraphy

5. Local gov't could need to create local elections b/c to oversee campaign financing? ~~to~~ Clerks probably already too busy during elections to monitor campaign financing, too.

① APPROPRIATION for elec. b.L. to find person to review & reduce?

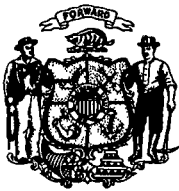
(2) FE-5L

③ Amounts granted from local elec. comp. had left up to local.
~~at ed to be a main~~

④ Del. eff. date + submissions of proposed rules

5) Generally not allowed to get info. re: return req's. Need to use info. from A/Rs currently made up local or copy of A/Rs made up elec. bc. Can require elec. form of anything filed w/ local.

ways or (10) re: max
candidate
contracts.
Based "on qualifications"
in stead.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2975/2

RJM:.....

cmr

RMK

DUOTE

wanted Tue 6/8 - 8:30 AM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT ^{gen. cat.}; relating to: county and city authority to regulate the financing of
2 campaigns for county and city offices and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the **state and local** fiscal estimate, which will be
printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:**

- 3 SECTION 1. 11.55 of the statutes is created to read: <sup>regulate the making and acceptance of contributions with respect to
electors for county office. The ordinance may
reasonably</sup>
- 4 **11.55 County and city regulation of campaign financing. (1) LIMITATION**
- 5 **ON CONTRIBUTIONS.** (a) ^(Contributions) ~~Candidates~~ ^{Elections} for county office. The board of supervisors of any
- 6 county may, by ordinance, limit the ~~amount~~ ^{make} that an individual or a committee may
- 7 ^{with respect} ~~contribute to a candidate~~ ^{an election} for county office ~~and to any individual or committee acting~~
- 8 ~~solely in support of a candidate for county office or solely in opposition to the~~
- 9 ~~candidate's opponent.~~ ^{maximum} The ^{an individual or committee} amount that ^{make} may ~~be contributed~~ under the ordinance

WITH RESPECT TO ELECTIONS
FOR COUNTY OR CITY OFFICE

of contributions

SECTION 1

1 ~~shall~~ ^{may} be less than the ^{maximum} amount ~~allowed~~ for that contributor under s. 11.26 (1) (d) ~~and~~ ^{or}

2 (2) (e). The ordinance ~~may~~ ^{also} prohibit a candidate or a committee from accepting any

3 contribution made in violation of the ordinance. ^{In addition, the} ~~The board of supervisors of any~~

4 ~~county may, by ordinance,~~ ^{may reasonably} limit the aggregate amount of contributions ^{that} ~~than~~ a

5 candidate for county office may accept from committees. ^{The} ~~An ordinance enacted under~~

6 ~~this paragraph,~~ may exempt from any limitation on contributions created under the

7 ordinance contributions from a political party committee ~~or legislative campaign~~

8 ~~committee.~~ ^{regulate the making and acceptance of contributions with respect to elections for}

9 (b) ~~Candidates~~ ^{Elections} for city office. The common council of any city ^{may} ~~may, by ordinance,~~

10 limit the ^{contributions} ~~amount~~ that an individual or a committee may ^{make} ~~contribute~~ to a candidate ^{with respect to an election} for

11 city office ~~and to any individual or committee acting solely in support of a candidate~~

12 ~~for city office or solely in opposition to the candidate's opponent.~~ ^{maximum} The amount ^{that} ~~that~~

13 may ^{make} ~~be contributed~~ under the ordinance ^{may} ~~shall~~ be less than the ^{maximum} ~~applicable~~ amount

14 ~~allowed~~ for that contributor under s. 11.26 (1) (d) or (2) (e). The ordinance may ^{also} ~~also~~

15 prohibit a candidate or a committee from accepting any contribution made in

16 violation of the ordinance. ^{In addition, the} ~~The common council of any city may, by ordinance,~~ ^{may reasonably} limit

17 the aggregate amount of contributions ^{that} ~~than~~ a candidate for city office may accept

18 from committees. ~~An ordinance enacted under this paragraph may exempt from any~~

19 ~~limitation on contributions created under the ordinance contributions from a~~

20 ~~political party committee or legislative campaign committee.~~

21 (2) ELECTION CAMPAIGN FUND. The board of supervisors of any county or the

22 common council of any city may, by ordinance, provide appropriations to pay for any

23 lawful disbursements made by a candidate for county or city office, respectively. An

24 ordinance enacted under this subsection may establish reasonable qualifications

25 that a candidate must meet to receive funding from the county or city. An ordinance

enacted under this subsection may require a candidate to agree, as a condition of receiving funding, that he or she will make no disbursements or contributions to his or her own campaign in excess of an aggregate amount specified in the ordinance. The aggregate amount of disbursements specified in the ordinance ~~shall~~^{may} be less than the applicable amount specified for that candidate under s. 11.31 (1) (g) or (h).

(3) ADMINISTRATION. (a) *County and city registration and reporting requirements.* 1. Except as provided under this subdivision, the board of supervisors of any county or the common council of any city may not require a ~~person~~^{registrant} to file any registration statement or report relating to the financing of campaigns in addition to those ~~required to be filed~~^{the registrant is} under this chapter with the county or city, respectively. The board of supervisors of any county or the common council of any city may, by ordinance, require a ~~person~~^{registrant} to file with the county or city, respectively, a copy of any registration statement or report that the person files with the board.

2. The board of supervisors of any county or the common council of any city may, by ordinance, require a campaign finance report filed with the county or city to be filed by means of electronic transmission. An ordinance under this subdivision may provide an exception from filing a campaign finance report with the county or city by means of electronic transmission for an indigent person or for a person who or which accepts contributions in an aggregate amount that is less than an amount specified in the ordinance. An ordinance under this subdivision shall require a person filing a campaign finance report with the county or city by means of electronic transmission to use software obtained from the board under s. 11.21 (17).

(d) ~~(b)~~ Penalties determined by counties and cities. The board of supervisors of any county or the common council of any city may, by ordinance, provide for a civil penalty

1 for any violation of an ordinance enacted under this section or any agreement
2 entered into under an ordinance enacted under this section.

3 (4) CERTIFICATION BY BOARD. The board shall promulgate rules establishing a
4 procedure for board review of each ordinance enacted under this section. The rules
5 shall require the board to certify each ordinance that complies with this section. An
6 ordinance enacted under this section is not effective in any county or city until the
7 date that the board certifies that the ordinance complies with this section.

8 SECTION 2. 11.21 (17) of the statutes is created to read:

9 11.21 (17) Provide a copy of the software specified under sub. (16) to ^{any} a person
10 who is required to submit campaign finance reports in electronic format under an
11 ordinance enacted under s. 11.55 (3) ^(c) ~~(a)~~. The board shall fix the price of software
12 provided under this subsection at an amount that may not exceed cost.

13 SECTION 3. Nonstatutory provisions.

14 (1) SUBMISSION OF PROPOSED RULES GOVERNING CERTIFICATION OF COUNTY AND CITY
15 CAMPAIGN FINANCE ORDINANCES. No later than the first day of the 6th month beginning
16 after publication, the elections board shall submit in proposed form the rules
17 governing certification of county and city campaign finance ordinances under section
18 11.55 ⁽⁴⁾ of the statutes, as created by this act, to the legislative council staff under
19 section 227.15 ⁽¹⁾ of the statutes.

20 SECTION 4. Effective date.

21 (1) The treatment of sections 11.55 and 11.21 (17) of the statutes takes effect
22 on the first day of the 12th month beginning after publication.

23 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2975/P1ins
RJM:.....

3-5

(9) (3) ADMINISTRATION. (a) *County registration and reporting.* The board of supervisors of any county may, by ordinance, require any committee, ~~political~~ group or individual who or which ^{is required to file a registration statement or report under this chapter and who or which} makes or accepts contributions, incurs obligations or makes disbursements with respect to a county referendum or an election ^{for} to county office but for whom or which the county clerk is not the filing officer under s. 11.02 or 11.20 to ~~do any of the following~~ ^{any registration statement filed by}

^{no 9} 1. File with the county clerk a copy of the committee's, ~~political~~ group's or individual's ~~registration statement~~ by no later than the date provided for filing the registration statement under s. 11.05 (12) (b) ^{and to}

^{no 9} 2. File with the county clerk a copy of any report filed by the committee, ~~political~~ group or individual by no later than the date provided for filing the report under s. 11.20 ^{is required to file a registration statement or report under this chapter and who or which}

(b) *City registration and reporting.* The common council of any city may, by ordinance, require any committee, ~~political~~ group or individual who or which ^{for} makes or accepts contributions, incurs obligations or makes disbursements with respect to a city referendum or an election to city office but for whom or which the city clerk is not the filing officer under s. 11.02 or 11.20 to ~~do any of the following~~

^{no 9} 1. File with the city clerk a copy of the committee's, ~~political~~ group's or individual's ~~registration statement~~ by no later than the date provided for filing the registration statement under s. 11.05 (12) (b) ^{any registration statement filed by} ^{and to}

109

~~2~~ File with the city clerk a copy of any report filed by the committee, ~~political~~
group or individual by no later than the date provided for filing the report under s.

11.20

(c) *Electronic filing of campaign finance reports in county or city.* The board of supervisors of any county or the common [✓]council of any city may, by ordinance, require a campaign finance report filed with the county clerk or city clerk to be filed by means of electronic transmission. An ordinance under this paragraph shall require a person to use software obtained from the ^{elections}board under s. 11.21 [✓](17). The ordinance shall provide an exception from filing by means of electronic transmission for an indigent person. The ordinance may provide an exception from filing by means of electronic transmission for a person who or which accepts contributions in an aggregate amount that is less than an amount specified in the ordinance. The ordinance may require a person filing by means of electronic transmission to file a signed copy of the report recorded on a medium specified in the ordinance with the county clerk or city clerk by no later than the date prescribed for filing the report under the ordinance.

(END OF INSERT)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2975/P1dn

RJM:.....

cmH

1. Attached is a preliminary draft ~~2/26/00~~ allowing a city or county to regulate the financing of campaigns for city or county offices. Although I have several questions regarding your intent, the attached draft hopefully will provide a starting point. After you have reviewed this draft and the following questions, please contact me so that I will know how you intend to proceed.

2. Per your instructions, the attached draft applies only to cities and counties. You may want to allow villages and towns to regulate campaign financing, as well. In Wisconsin, some towns have a larger population than some cities. If you intend to allow villages and towns to regulate campaign financing, please let me know.

3. You requested that a city or county be allowed to enact campaign financing ordinances that are more strict than state law. I was not sure exactly what aspects of these ordinances you intend to be more strict. Proposed s. 11.55 (2) allows a city or county to require a candidate to agree to limit his or her campaign expenditures as a condition of receiving a local campaign grant. ~~In order to receive a campaign grant under the ordinance, the candidate must agree to a spending limit that is more restrictive than that provided under s. 11.31 (1) (g) or (h), stats.~~ If this restriction is not what you intended by "more strict," please let me know. *likely*

may require
enacted
In addition, proposed s. 11.55 (1) authorizes a city or county to enact a limitation on contributions to local campaigns that is more restrictive than the limitation on contributions under s. 11.26 (1) (d) and (2) (e), stats. However, please note that an ordinance under proposed s. 11.55 would be subject to challenge as an unconstitutional burden on the freedom of political association under the First Amendment ~~to the U.S. Constitution~~. See *Buckley v. Valeo*, 424 U.S. 1 (1976). *if the limitation on contributions under the ordinance was unreasonably strict*
potentially
In addition, proposed s. 11.55 itself may be subject to constitutional challenge to the extent that it may authorize an unreasonable burden on the freedom of political association. In order to avoid these potential constitutional issues, you may want to eliminate the requirement that the city or county contribution ordinance be more strict than current law.

If there are other aspects of these ordinances that you specifically intend to be more restrictive than state law, please let me know.

4. Currently, s. 11.26 (4), stats., generally prohibits an individual from making greater than \$10,000 in political contributions in a calendar year. The attached draft does not allow a city or county to provide a similar limitation on total contributions to all city or county campaigns. Although a city may currently have the authority to enact

a similar limitation under constitutional home rule powers, if you intend to allow a city or county to enact an ordinance similar to s. 11.26[✓] (4), stats., I would recommend specifying this authority in this draft. ✓

5. Please review proposed s. 11.55 (3) (a) and (b), regarding city and county registration and campaign finance reporting requirements. Current law already requires most registration statements and reports regarding local elections to be filed with the city clerk or county clerk. This provision generally allows a city or county to require a person to provide the city or county with a copy of any registration or report that, under current law, the person files with the state elections board. If this treatment is not consistent with your intent please let me know. ✓

also

6. Per my discussions with your office, under proposed s. 11.55 (3) (c), a city or county may require electronic filing of campaign finance reports. In order to avoid a potential First Amendment challenge, this section requires a city or county to exempt from the electronic filing requirements an indigent person, who may not be able to afford the computer hardware and software necessary for completing an electronic filing. Another option would be to require each county and city to provide a computer equipped with the necessary software for a ~~candidate~~ person to use to complete an electronic filing. Please let me know if you desire any changes to this provision. ✓

person

7. You may want to consider allowing or requiring a city or county to form a local elections board to administer city or county campaign financing ordinances. Without a local elections board, it is likely that a city or county would require the city clerk or county clerk to administer these ordinances. City clerks and county clerks are very busy during election periods and may not have enough time to adequately administer these ordinances. If you intend to address this issue, please call.

~~8. Per my discussions with your office, proposed s. 11.55 (4) requires a city or county to obtain a certification from the elections board before any campaign financing ordinance becomes effective. If you have a sense that numerous communities will enact ordinances under this draft, you may want to increase the appropriation for the elections board to fund a position for the purpose of reviewing and certifying ordinances submitted under this subsection.~~

I look forward to hearing from you regarding these issues.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2975/P1dn
RJM:cmh:jf

June 1, 1999

1. Attached is a preliminary draft allowing a city or county to regulate the financing of campaigns for city or county offices. Although I have several questions regarding your intent, the attached draft hopefully will provide a starting point. After you have reviewed this draft and the following questions, please contact me so that I will know how you intend to proceed.

2. Per your instructions, the attached draft applies only to cities and counties. You may want to allow villages and towns to regulate campaign financing, as well. In Wisconsin, some towns have a larger population than some cities. If you intend to allow villages and towns to regulate campaign financing, please let me know.

3. You requested that a city or county be allowed to enact campaign financing ordinances that are more strict than state law. I was not sure exactly what aspects of these ordinances you intend to be more strict. Proposed s. 11.55 (2) allows a city or county to require a candidate to agree to limit his or her campaign expenditures as a condition of receiving a local campaign grant. The ordinance may require the candidate to agree to a spending limit that is more restrictive than that provided under s. 11.31 (1) (g) or (h), stats. If this restriction is not what you intended by "more strict," please let me know.

In addition, proposed s. 11.55 (1) authorizes a city or county to enact a limitation on contributions to local campaigns that is more restrictive than the limitation on contributions under s. 11.26 (1) (d) and (2) (e), stats. However, please note that an ordinance enacted under proposed s. 11.55 (1) would likely be subject to challenge as an unconstitutional burden on the freedom of political association under the First Amendment if the limitation on contributions under the ordinance was unreasonably strict. See *Buckley v. Valeo*, 424 U.S. 1 (1976).

If there are other aspects of these ordinances that you specifically intend to be potentially more restrictive than state law, please let me know.

4. Currently, s. 11.26 (4), stats., generally prohibits an individual from making greater than \$10,000 in political contributions in a calendar year. The attached draft does not allow a city or county to provide a similar limitation on total contributions to all city or county campaigns. Although a city may currently have the authority to enact a similar limitation under constitutional home rule powers, if you intend to allow a city or county to enact an ordinance similar to s. 11.26 (4), stats., I would recommend specifying this authority in this draft.

5. Please review proposed s. 11.55 (3) (a) and (b), regarding city and county registration and campaign finance reporting requirements. Current law already requires most registration statements and reports regarding local elections to be filed with the city clerk or county clerk. This provision generally allows a city or county also to require a person to provide the city or county with a copy of any registration or report that, under current law, the person files with the state elections board. If this treatment is not consistent with your intent please let me know.

6. Per my discussions with your office, under proposed s. 11.55 (3) (c), a city or county may require electronic filing of campaign finance reports. In order to avoid a potential First Amendment challenge, this section requires a city or county to exempt from the electronic filing requirements an indigent person, who may not be able to afford the computer hardware and software necessary for completing an electronic filing. Another option would be to require each county and city to provide a computer equipped with the necessary software for a person to use to complete an electronic filing. Please let me know if you desire any changes to this provision.

7. You may want to consider allowing or requiring a city or county to form a local elections board to administer city or county campaign financing ordinances. Without a local elections board, it is likely that a city or county would require the city clerk or county clerk to administer these ordinances. City clerks and county clerks are very busy during election periods and may not have enough time to adequately administer these ordinances. If you intend to address this issue, please call.

I look forward to hearing from you regarding these issues.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

ASAP

6-1-99

tcf Glenn from Rep. Pocar's office re: LRB-2975/PL

From DNOTE: ✓ Expand to allow villages + towns to regulate
campers

✓ Add authority to go more strict than 11.26(4)

• Add authority to form local elections bd

• Research issues allowing county to treat conduit contractors as ATE contractors, or
granting county authority to limit contractors from conduits



State of Wisconsin
1999 - 2000 LEGISLATURE

1
LRB-2975/Pa
RJM:cmh:jf

MONDAY
JUNE 7

Tues 6/8
8:30
AM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NOTE
RJM

duties of municipal and county boards of election commissioners

1 AN ACT ^{regent} to create 11.21 (17) and 11.55 of the statutes; relating to: county ^{town and village} and
2 city ^{town and village} authority to regulate the financing of campaigns for county ^{town and village} and city offices
3 and granting rule-making authority. ^{to create local election boards and}

INSERT
ANALYSIS

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the **state and local** fiscal estimate, which will be
printed as an appendix to this bill.

INSERT
1-4

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 11.21 (17) of the statutes is created to read:
5 11.21 (17) Provide a copy of the software specified under sub. (16) to any person
6 who is required to submit campaign finance reports in electronic format under an
7 ordinance enacted under s. 11.55 (3) (c). The board shall fix the price of software
8 provided under this subsection at an amount that may not exceed cost.
9 SECTION 2. 11.55 of the statutes is created to read:

Local

11.55 ~~County and city~~ regulation of campaign financing. (1)REASONABLE LIMITATION ON CONTRIBUTIONS ~~WITH RESPECT TO ELECTIONS FOR COUNTY OR~~~~CITY OFFICE~~ (a) *Elections for county office.* The board of supervisors of any county

may, by ordinance, regulate the making and acceptance of contributions with respect

to elections for county office. The ordinance may reasonably limit the contributions

that an individual or a committee may make with respect to an election for county

office. ~~and may reasonably limit the total contributions that an individual ~~or committee~~ may make in a calendar year~~ with respect to all elections for county office. The maximum amount of contributions that an individual or committee maymake under the ordinance may be less than the maximum amount for ~~that total~~contributor under s. 11.26 (1) (d) ~~or (2) (e)~~. ~~The ordinance may ~~reasonably~~ limit the contributions that may be transferred by a conduit with respect to an election for county office.~~ or (4) The ordinance may also prohibit acandidate or a committee from accepting any contribution made ~~in violation of the~~ or transferred

ordinance. In addition, the ordinance may reasonably limit the aggregate amount from committees

of contributions ~~than~~ a candidate for county office may accept from committees. ~~The~~ The maximum aggregate amount of contributions that a candidate may accept under the ordinance may be less than the maximum amount for that candidate under s. 11.26 (9).ordinance may exempt ~~that~~ from any limitation on contributions created under the

ordinance contributions from a political party committee.

(b) *Elections for city office.* The common council of any city may, by ordinance,

regulate the making and acceptance of contributions with respect to elections for city

office. The ordinance may reasonably limit the contributions that an individual or

a committee may make with respect to an election for city office. ~~and may reasonably limit the total contributions that an individual ~~or committee~~ may make in a calendar year with respect to all elections for city office.~~ The maximum

amount of contributions that an individual or committee may make under the

ordinance may be less than the maximum amount for that contributor under s. 11.26

(1) (d) ~~or (2) (e)~~. ~~The ordinance may ~~reasonably~~ limit the total contributions that may be transferred by a conduit with respect to an election for city office.~~ or (4) The ordinance may also prohibit a candidate or a committee fromaccepting any contribution made ~~in violation of the ordinance.~~ or transferred In addition, the

ordinance may reasonably limit the aggregate amount of contributions that a

candidate for city office may accept from committees.

INSERT
2-24no 9 The maximum aggregate amount of contributions that a candidate may accept under the ordinance ~~from committees~~ may be less than the maximum amount for that candidate under s. 11.26 (9).

(2) ELECTION CAMPAIGN FUND. ^{town}The board of supervisors of any county or ^{or the board of trustees of any village}the common council of any city ^{town or village}may, by ordinance, provide appropriations to pay for any lawful disbursements made by a candidate for county ^{town or village}or city office, respectively. An ordinance enacted under this subsection may establish reasonable qualifications ^{town or village}that a candidate must meet to receive funding from the county ^{town or village}or city. An ordinance enacted under this subsection may require a candidate to agree, as a condition of receiving funding, that he or she will make no ~~disbursements or~~ contributions to his ^{no disbursements or neither contributions to his or her own campaign nor disbursements}or her own campaign in excess of an aggregate amount specified in the ordinance. The aggregate amount of disbursements specified in the ordinance may be less than the applicable amount specified for that candidate under s. 11.31 (1) (g) or (h).

(3) ADMINISTRATION. (a) *County registration and reporting.* The board of supervisors of any county may, by ordinance, require any committee, group or individual who or which is required to file a registration statement or report under this chapter and who or which makes ^{transfers}or accepts contributions, incurs obligations or makes disbursements with respect to a county referendum or an election for county office but for whom or which the county clerk is not the filing officer under s. 11.02 or 11.20 to file with the county clerk by no later than the date provided for filing the registration statement under s. 11.05 (12) (b) a copy of any registration statement filed by the committee, group or individual and to file with the county clerk by no ^{or}later than the date provided for filing the report under s. ^{11.12 (5) (b) or}11.20 a copy of any report filed by the committee, group or individual.

(b) *City registration and reporting.* The common council of any city may, by ordinance, require any committee, group or individual who or which is required to file a registration statement or report under this chapter and who or which makes ^{transfers}or accepts contributions, incurs obligations or makes disbursements with respect to

IN SECT 4-6

1 a city referendum or an election for city office but for whom or which the city clerk
 2 is not the filing officer under s. 11.02 or 11.20 to file with the city clerk by no later than
 3 the date provided for filing the registration statement under s. 11.05 (12) (b) a copy
 4 of any registration statement filed by the committee, group or individual and to file
 5 with the city clerk by no later than the date provided for filing the report under s.
 6 11.20 a copy of any report filed by the committee, group or individual.

7 (e) ~~Electronic filing of campaign finance reports in county or city~~ ^{Local} ^{Ital.} The board of
 8 supervisors of any county or ^{town,} ~~the common council of any city~~ ^{or the board of trustees of any village} may, by ordinance,
 9 require a campaign finance report filed with the county clerk ^{town clerk} or city clerk ^{or village clerk, respectively} to be filed
 10 by means of electronic transmission. An ordinance under this paragraph shall
 11 require a person to use software obtained from the elections board under s. 11.21 (17).
 12 The ordinance shall provide an exception from filing by means of electronic
 13 transmission for an indigent person. The ordinance may provide an exception from
 14 filing by means of electronic transmission for a person who or which accepts
 15 contributions in an aggregate amount that is less than an amount specified in the
 16 ordinance. The ordinance may require a person filing by means of electronic
 17 transmission to file a signed copy of the report recorded on a medium specified in the
 18 ordinance with the county clerk ^{town clerk} or city clerk ^{or village clerk} by no later than the date prescribed for
 19 filing the report under the ordinance.

20 (f) ~~Penalties determined by counties and cities~~ ^{Local governments} ^{Ital.} The board of supervisors of any
 21 county ^{town,} or the common council of any city ^{or the board of trustees of any village} may, by ordinance, provide for a civil penalty
 22 for any violation of an ordinance enacted under this section or any agreement
 23 entered into under an ordinance enacted under this section.

24 (4) CERTIFICATION BY BOARD. The board shall promulgate rules establishing a
 25 procedure for board review of each ordinance enacted under this section. The rules

1 shall require the board to certify each ordinance that complies with this section. An
2 ordinance enacted under this section is not effective in any county, ~~city~~ ^{town or village} until the
3 date that the board certifies that the ordinance complies with this section.

4 **SECTION 3. Nonstatutory provisions.**

5 (1) SUBMISSION OF PROPOSED RULES GOVERNING CERTIFICATION OF ~~COUNTY AND CITY~~ ^{CS} ~~LOCAL~~
6 CAMPAIGN FINANCE ORDINANCES. No later than the first day of the 6th month beginning
7 after publication, the elections board shall submit in proposed form the rules
8 governing certification of county ~~and city~~ ^{town and village} campaign finance ordinances under section
9 11.55 (4) of the statutes, as created by this act, to the legislative council staff under
10 section 227.15 (1) of the statutes.

11 **SECTION 4. Effective date.** ^{7.19, 7.21 (1m)}

12 (1) The treatment of sections 11.55 and 11.21 (17) of the statutes takes effect
13 on the first day of the 12th month beginning after publication.

14 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2975/lins2

RJM:.....

INSERT ANALYSIS

Currently, state law regulates the financing of campaigns for both state and local offices. Under current law, a county, town or village has no authority to regulate the financing of campaigns for local office. A city may have this authority under constitutional home rule powers if the subject of the particular city ordinance is considered to be a "local affair." This bill specifically authorizes a county, city, town or village to enact ordinances regulating the financing of campaigns for county, city, town or village office, respectively. An ordinance enacted under this bill becomes effective in the county, city, town or village after the state elections board (board) certifies that the ordinance is in compliance with this bill. The significant aspects of the authority granted under this bill include:

Local regulation of campaign contributions

Current law limits the amount of contributions that may be given to and accepted by a candidate for local office. The maximum amount that an individual may contribute to a local campaign is the greater of \$250 or one cent times the population of the jurisdiction for which the candidate seeks office, but not more than \$3,000. The maximum amount that a committee other than a political party committee or legislative campaign committee may contribute to a local campaign is the greater of \$200 or three-fourths of one cent times the population of the jurisdiction for which the candidate seeks office, but not more than \$2,500. Current law also prohibits an individual from contributing an aggregate total of more than \$10,000 in a calendar year to all candidates for state and local office. Currently, for the purpose of determining compliance with campaign finance laws, a contribution transferred from a conduit is treated as a contribution from the original contributor.

In addition, current law limits the aggregate amount of contributions that a candidate for local office may accept from all political committees, including political party committees. For candidates for county office in a county with a population of 500,000 or more, these maximum aggregate amounts are approximately as follows:

- (a) County executive, \$175,200.
- (b) County supervisor, \$11,200.
- (c) Other county offices, \$70,100.

For candidates for city office in a city of the first class (Milwaukee), these maximum aggregate amounts are approximately as follows:

- (a) Mayor, \$175,200.
- (b) City attorney, \$105,100.
- (c) Alderperson, \$11,200.
- (d) Other city offices, \$70,100.

For candidates for local office in a jurisdiction with a population of less than 500,000, these maximum aggregate amounts are approximately 65% of the greater of \$1,075, 53.91% of the annual salary for the office, or the product of \$32.35 times the population of the jurisdiction for which the candidate seeks office. However, these maximum aggregate amounts may not be more than \$28,000.

Furthermore, current law limits the aggregate amount of contributions that a candidate for local office may accept from committees other than political party and

(Milwaukee
county)



legislative campaign committees. For candidates for county office in a county with a population of 500,000 or more, these maximum aggregate amounts are approximately as follows:

- (a) County executive, \$121,300.
- (b) County supervisor, \$7,800.
- (c) Other county offices, \$48,500.

For candidates for city office in a city of the first class (Milwaukee), these maximum aggregate amounts are approximately as follows:

- (a) Mayor, \$121,300.
- (b) City attorney, \$72,800.
- (c) Alderperson, \$7,800.
- (d) Other city offices, \$48,500.

For candidates for local office in a jurisdiction with a population of less than 500,000, these maximum aggregate amounts are approximately 45% of the greater of \$1,075, 53.91% of the annual salary for the office, or the product of \$32.35 times the population of the jurisdiction for which the candidate seeks office. However, these maximum aggregate amounts may not be more than \$19,400.

This bill permits a county, city, town or village to enact an ordinance that reasonably limits contributions with respect to elections for county, city, town or village office, respectively. The ordinance may prohibit a candidate or a committee from accepting any contribution made or transferred in violation of the ordinance.

Similar to current law, the ordinance may also reasonably limit the amount that an individual or a committee may contribute with respect to a particular election and may limit the aggregate amount that an individual may contribute in a calendar year with respect to all elections for county, city, town or village office, as is applicable.

In addition, similar to current law, the ordinance may reasonably limit the aggregate amount of contributions that a candidate may accept from committees. An ordinance enacted by a county may exempt from any limitation on contributions created under the ordinance contributions from a political party committee. Unlike current law, however, the maximum amount of allowable individual or committee contributions under the ordinance may be less than the maximum amount allowed under current law. In addition, unlike current law, the ordinance may reasonably limit the total amount of contributions that may be transferred by a conduit with respect to elections for county, city, town or village office.

Local public financing of campaigns for local office

This bill permits a county, city, town or village to enact an ordinance appropriating money to pay for campaign expenses of candidates for county, city, town or village office, respectively. The ordinance may impose reasonable qualifications that a candidate must meet in order to receive funding under the ordinance. The ordinance also may require a candidate, as a condition of receiving funding under the ordinance, to agree to limit the candidate's contributions to his or her own campaign, the candidate's campaign spending or both.

Enforcement of local campaign finance ordinances

Under current law, every city and county with a population of greater than 500,000 must establish a municipal or county board of election commissioners. The

the making
and acceptable
of

of
contributions

of
contributions

make

X

Current law does not authorize a

municipal or county board of election commissioners has general authority to administer elections in the city or county. For example, with certain exceptions, a municipal or county board of election commissioners is required to carry out all powers and duties assigned to the municipal or county clerks or the municipal or county board of canvassers under the election laws. ~~A city or county with a population of 500,000 or less is not required under current law to establish a board of election commissioners.~~

permits

This bill ~~authorizes~~ permits a city or county that enacts a local campaign finance ordinance under this bill and that has a population of 500,000 or less to create a local elections board to enforce the ordinance. In addition, this bill requires a city or county that enacts a local campaign finance ordinance under this bill and that has a population that is greater than 500,000 to enact an ordinance requiring the municipal or county board of election commissioners to enforce the local campaign finance ordinance. The ordinance providing for enforcement by either the local elections board or the municipal or county board of election commissioners (enforcement ordinance) may include provisions authorizing the local elections board or the board of election commissioners to do any of the following:

- (a) Investigate any alleged violation of the local campaign finance ordinance.
- (b) Receive and hear any verified complaint alleging a violation of the local campaign finance ordinance.
- (c) Issue subpoenas and administer oaths.
- (d) Refer any complaint or matter investigated by it to the appropriate prosecuting attorney.

(e) Issue a formal opinion, upon request, regarding the application of the local campaign finance ordinance. ~~The formal opinion provides a safe harbor for the person requesting the formal opinion if the material facts are as stated in the opinion and the person acts in good faith reliance on the formal opinion.~~

In addition, the enforcement ordinance may direct the corporation counsel, or the district attorney in a county that does not have a corporation counsel, to provide counsel to a local elections board created by a county or to a county board of election commissioners regarding the administration of a local campaign finance ordinance enacted under this bill. The enforcement ordinance may also require a city, town or village attorney to provide similar counsel to a municipal board of election commissioners or to a local elections board created by a city, town or village, respectively. Furthermore, the enforcement ordinance may direct the county, city, town or village clerk to provide administrative support services to the local elections board or municipal or county board of election commissioners.

Local campaign finance registration and reporting

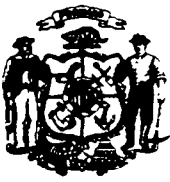
Under current law, with certain limited exceptions, any candidate for local office and any ~~committee, group,~~ organization or individual acting in support of or in opposition to any candidate for local office must file a registration statement and various campaign finance reports with the clerk or board of election commissioners in the most populous jurisdiction for which the candidate seeks office. This bill allows a county, city, town or village to enact an ordinance requiring any ~~committee, group,~~ organization or individual who takes certain actions regarding the financing

which

is not subject to prosecution under the ordinance for acting in accordance with the opinion

of an election for county, city, town or village office to provide the county, city, town or village with a copy of of any registration statement or campaign finance report that, under current law, the ~~committee, group~~ organization or individual files with the board.

In addition, this bill allows a county, city, town or village to enact an ordinance requiring electronic filing of any campaign finance reports filed with the county, city, town or village. This bill requires a county, city, town or village enacting an electronic filing ordinance to provide an exception from electronic filing for indigent persons. Currently, registrants who or which are required to file campaign finance reports with the board in an electronic format may purchase the necessary computer software from the board. This bill requires the board also to sell a copy of this software to each registrant who is required to file electronically with a county, city, town or village.



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa0975/1
JTK:kmg:ijs

~~SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 7~~

INSERT 1-4

9 SEC# CR 7.19

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 3, line 3: after "board," insert "authorization to create county elections
3 boards in certain counties,".

4 2. Page 6, line 6: after that line insert:

5 ~~SECTION 5m. 7.19 of the statutes is created to read:~~

6 7.19 ~~county~~ ^{Local} elections board. (1) Any county ^{or city} having a population of 500,000
7 or less ^{and any town or village} may enact an ordinance establishing a ~~county~~ ^{local} elections board. The ordinance
8 shall specify the membership and the method of appointment and terms of the
9 members.

10 (2) An ordinance enacted under this section may contain any of the following
11 provisions:

to oversee elections
for county, city,
town or village office,
respectively

on back
of this
page

just a checkmark

(1) (a) A provision authorizing the ^{local} elections board, on its own motion, to
 (2) investigate any alleged violation of ~~ch 10~~ ^{an ordinance enacted under s. 11.55,} with respect to an election ~~for county office~~
 (3) ~~or a county referendum~~ ^{within the jurisdiction of the local elections board}

(4) (b) A provision authorizing the ^{local} elections board to receive and hear any
 (5) verified complaint alleging a violation of ~~ch 10~~ ^{an ordinance enacted under s. 11.55,} with respect to an election ~~for county~~
 (6) ~~office or a county referendum~~ ^{within the jurisdiction of the local elections board}. The ordinance may permit the ^{local} elections board
 (7) to summarily dismiss any complaint that it finds to be without merit.

(8) (c) A provision authorizing the ^(a local) ^{created by a county} elections board ^{to refer any complaint}
 (9) ~~the corporation counsel, or to~~ ^{if the county does not have a corporation counsel, or authorizing a}
 (10) ~~or matter investigated by it to~~ ^{local elections board created by a city, town or village to refer any complaint of matter} the district attorney ^{investigated by it to the city, town or village attorney,}

(11) (d) A provision authorizing the ^{local} elections board to issue subpoenas and ^{respectively}
 (12) administer oaths for the purpose of carrying out its functions. ^{written}

(13) (e) A provision empowering the ^{local} elections board to issue a formal ^{local} opinion
 (14) ~~with respect to~~ ^{concerning the} application of ~~ch 10~~ ^{an ordinance enacted under s. 11.55 with respect to an election} to any person upon request. No person acting
 (15) in good faith upon a formal opinion issued to ^{the} a person by the ^{local} elections board ^{within the jurisdiction of the local elections board}
 (16) is subject to ~~criminal or~~ civil prosecution for so acting, if the material facts are as
 (17) stated in the opinion request.

(18) ~~(f) A provision authorizing the elections board to assess a forfeiture in~~
 (19) ~~accordance with ch 10 against any person for a violation of ch 10 with respect to an~~
 (20) ~~election for county office or county referendum in an amount not exceeding the~~
 (21) ~~amount that a person may forfeit for the violation under s. 11.60~~

(22) (f) ^(a) A provision directing the corporation counsel, or the district attorney if the ^{local}
 (23) county does not have a corporation counsel, to provide counsel to ^{regarding the administration of an ordinance enacted under s. 11.55} the elections
 (24) board ^{created by a county or directing the city, town or village attorney to provide counsel to} a local elections board created by a city, town or village, respectively.

(25) (h) A provision directing the ^(a local) county clerk to provide administrative support
 services to ^{city, town or village} the elections board ^{created by a county, city, town or village, respectively,}

regarding the administration of an ordinance
 enacted under s. 11.55

1

(3) The creation of a ~~county~~^{local} elections board under sub. (1) does not affect the

2

statutory authority or functions of the district attorney or ~~county~~^{the} clerk. ~~the~~

3

~~WATER~~

city, town or village

Sec. CR 7.21(1m)

B

4

7.21(1m)

under s. 11.55

If the city council or county board enacts an ordinance regarding the financing of elections for city or county offices, the city council or county board shall, by ordinance, authorize the municipal or county board of election commissioners to enforce the ordinance enacted under s. 11.55. An ordinance enacted under this subsection may contain provisions with regard to the activities and support of the municipal or county board of election commissioners as are allowed under s. 7.19(2) with regard to the activities and support of a local elections board.

(END OF INSERT)

INSERT 2-24

9 (c) *Elections for town office.* The board of supervisors of any town may, by ordinance, regulate the making and acceptance of contributions with respect to elections for town office. The ordinance may reasonably limit the contributions that an individual or a committee may make with respect to an election for town office and may reasonably limit the total contributions that an individual ~~or a committee~~ may make in a calendar year with respect to all elections for town office. The maximum amount of contributions that an individual or committee may make under the ordinance may be less than the maximum amount for that contributor under s. 11.26 (1) (d), (2) (e) or (4). The ordinance may ~~reasonably~~ limit the total contributions that may be transferred by a conduit with respect to an election for town office. The ordinance may also prohibit a candidate or a committee from accepting any contribution made or transferred in violation of the ordinance. In addition, the ordinance may reasonably limit the aggregate amount of contributions ~~than~~^{that} a candidate for town office may accept from committees. The maximum aggregate amount of contributions that a candidate may accept from committees under the ordinance may be less than the maximum amount for that candidate under s. 11.26 (9).

(d) *Elections for village office.* The board of trustees of any village may, by ordinance, regulate the making and acceptance of contributions with respect to elections for village office. The ordinance may reasonably limit the contributions that an individual or a committee may make with respect to an election for village office and may reasonably limit the total contributions that an individual ~~or a~~

~~committee~~ may make in a calendar year with respect to all elections for village office.

The maximum amount of contributions that an individual or committee may make under the ordinance may be less than the maximum amount for that contributor under s. 11.26 (1) (d), (2) (e) or (4). The ordinance may ~~reasonably~~ limit the total contributions that may be transferred by a conduit with respect to an election for village office. The ordinance may also prohibit a candidate or a committee from accepting any contribution made or transferred in violation of the ordinance. In addition, the ordinance may reasonably limit the aggregate amount of contributions ~~than~~ ^{that} a candidate for village office may accept from committees. The maximum aggregate amount of contributions that a candidate may accept from committees under the ordinance may be less than the maximum amount for that candidate under s. 11.26 (9).

(END OF INSERT)

INSERT 4-6

(c) *Town registration and reporting.* The board of supervisors of any town may, by ordinance, require any committee, group, ~~organization~~ or individual who or which is required to file a registration statement or report under this chapter and who or which makes, transfers or accepts contributions, incurs obligations or makes disbursements with respect to a town referendum or an election for town office but for whom or which the town clerk is not the filing officer under s. 11.02 or 11.20 to file with the town clerk by no later than the date provided for filing the registration statement under s. 11.05 (12) (b) a copy of any registration statement filed by the committee, group, ~~organization~~ or individual and to file with the town clerk by no later than the date provided for filing the report under s. 11.12 (5) ^{or} (6) or 11.20 a copy of any report filed by the committee, group, ~~organization~~ or individual.

(d) *Village registration and reporting.* The board of trustees of any village may, by ordinance, require any committee, group, ~~organization~~ or individual who or which is required to file a registration statement or report under this chapter and who or which makes, transfers or accepts contributions, incurs obligations or makes disbursements with respect to a village referendum or an election for village office but for whom or which the village clerk is not the filing officer under s. 11.02 or 11.20 to file with the village clerk by no later than the date provided for filing the registration statement under s. 11.05 (12) (b) a copy of any registration statement filed by the committee, group, ~~organization~~ or individual and to file with the village clerk by no later than the date provided for filing the report under s. 11.12 (5), ^{or} (6) or 11.20 a copy of any report filed by the committee, group, ~~organization~~ or individual.

(END OF INSERT)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2975/1dn

RJM:.....

com 1

1. Per my conversation with your office, this draft:

(a) Adds authority for a town or village to enact a local campaign financing ordinance.

(b) Adds authority for a county, city, town or village to limit the aggregate total of contributions that an individual may make in a calendar year with respect to elections for county, city, town or village office, respectively. This limitation may be more strict than the limitation on contributions from an individual with respect to elections for state and local office under s. 11.26 (4), stats.

(c) Adds authority for a county, city, town or village to form a local elections board to enforce a local campaign finance ordinance. A county or city that is currently required to establish a municipal or county board of election commissioners under s. 7.20, stats., may not form a local elections board under this draft. Rather, these counties or cities must enact an ordinance requiring the municipal or county board of election commissioners to enforce the county or city campaign finance ordinance.

2. Please review proposed s. 7.19, stats., regarding the formation of a local elections board. If there is any authority granted in this section that you do not intend or if the section omits a specific grant of authority that you intend to include, please call.

3. The preliminary draft included a provision allowing a county or city to limit the aggregate amount of contributions that a candidate may accept from committees. This draft clarifies that this limit may be more strict than the similar limit under state law. See proposed s. 11.55 (1). I assume that this provision is consistent with your intent and should have been included in the preliminary draft. If I am incorrect or if you desire any changes to this provision, please let me know.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

9/ (d) Adds authority for a county, city, town or village to limit the total contributions that may be transferred by a candidate with respect to elections for county, city, town or village office, respectively.



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2975/1dn
RJM:cmh:jf

June 7, 1999

1. Per my conversation with your office, this draft:

(a) Adds authority for a town or village to enact a local campaign financing ordinance.

(b) Adds authority for a county, city, town or village to limit the aggregate total of contributions that an individual may make in a calendar year with respect to elections for county, city, town or village office, respectively. This limitation may be more strict than the limitation on contributions from an individual with respect to elections for state and local office under s. 11.26 (4), stats.

(c) Adds authority for a county, city, town or village to form a local elections board to enforce a local campaign finance ordinance. A county or city that is currently required to establish a municipal or county board of election commissioners under s. 7.20, stats., may not form a local elections board under this draft. Rather, these counties or cities must enact an ordinance requiring the municipal or county board of election commissioners to enforce the county or city campaign finance ordinance.

(d) Adds authority for a county, city, town or village to limit the total contributions that may be transferred by a conduit with respect to elections for county, city, town or village office, respectively.

2. Please review proposed s. 7.19, stats., regarding the formation of a local elections board. If there is any authority granted in this section that you do not intend or if the section omits a specific grant of authority that you intend to include, please call.

3. The preliminary draft included a provision allowing a county or city to limit the aggregate amount of contributions that a candidate may accept from committees. This draft clarifies that this limit may be more strict than the similar limit under state law. See proposed s. 11.55 (1). I assume that this provision is consistent with your intent and should have been included in the preliminary draft. If I am incorrect or if you desire any changes to this provision, please let me know.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 6/8/99

To: Representative Pocan

Relating to LRB drafting number: LRB-2975

Topic

County and city campaign finance legislation

Subject(s)

Elections - campaign finance

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** X (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or at _____

A revised draft will be submitted for your approval _____

3. Obtain **FISCAL ESTIMATE NOW**, prior _____

If the analysis indicates that a fiscal estimate increases or decreases existing appropriation revenues, you have the option to request the introduction of the proposal without the fiscal estimate introduction. It takes about 10 days to obtain introduction retains your flexibility for possible re

Robb,
Thanks for getting this done. We really appreciate it. By the way, could you email the pdf version of the bill to Rep. Pocan @ legis---

appropriation or liability or loose to tomatically upon attention to

If you have any questions regarding the above procedure relating to the attached draft, please feel free to call 1

questions

Rc
Te

Thanks,

Glenn



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2975/6

RJM:cmh:jf

TODAY

1999 BILL

RMUR

regⁿ cert.

1 AN ACT *to create* 7.19, 7.21 (1m), 11.21 (17) and 11.55 of the statutes; **relating**
2 **to:** county, city, town and village authority to create local elections boards and
3 to regulate the financing of campaigns for county, city, town and village offices,
4 duties of municipal and county boards of election commissioners and granting
5 rule-making authority.

neither

nor a

and a village

Analysis by the Legislative Reference Bureau

Currently, state law regulates the financing of campaigns for both state and local offices. Under current law, a county, town or village has no authority to regulate the financing of campaigns for local office. A city may have this authority under constitutional home rule powers if the subject of the particular city ordinance is considered to be a "local affair". This bill specifically authorizes a county, city, town or village to enact ordinances regulating the financing of campaigns for county, city, town or village office, respectively. An ordinance enacted under this bill becomes effective in the county, city, town or village after the state elections board (board) certifies that the ordinance is in compliance with this bill. The significant aspects of the authority granted under this bill include:

Local regulation of campaign contributions

Current law limits the amount of contributions that may be given to and accepted by a candidate for local office. The maximum amount that an individual may contribute to a local campaign is the greater of \$250 or one cent times the

BILL

population of the jurisdiction for which the candidate seeks office, but not more than \$3,000. The maximum amount that a committee other than a political party committee or legislative campaign committee may contribute to a local campaign is the greater of \$200 or three-fourths of one cent times the population of the jurisdiction for which the candidate seeks office, but not more than \$2,500. Current law also prohibits an individual from contributing an aggregate total of more than \$10,000 in a calendar year to all candidates for state and local office. Currently, for the purpose of determining compliance with campaign finance laws, a contribution transferred from a conduit is treated as a contribution from the original contributor.

In addition, current law limits the aggregate amount of contributions that a candidate for local office may accept from all political committees, including political party committees. For candidates for county office in a county with a population of 500,000 or more (Milwaukee county), these maximum aggregate amounts are approximately as follows:

- (a) County executive, \$175,200.
- (b) County supervisor, \$11,200.
- (c) Other county offices, \$70,100.

For candidates for city office in a first class city (Milwaukee), these maximum aggregate amounts are approximately as follows:

- (a) Mayor, \$175,200.
- (b) City attorney, \$105,100.
- (c) Alderperson, \$11,200.
- (d) Other city offices, \$70,100.

For candidates for local office in a jurisdiction with a population of less than 500,000, these maximum aggregate amounts are approximately 65% of the greater of \$1,075, 53.91% of the annual salary for the office, or the product of \$32.35 times the population of the jurisdiction for which the candidate seeks office. However, these maximum aggregate amounts may not be more than \$28,000.

Furthermore, current law limits the aggregate amount of contributions that a candidate for local office may accept from committees other than political party and legislative campaign committees. For candidates for county office in a county with a population of 500,000 or more, these maximum aggregate amounts are approximately as follows:

- (a) County executive, \$121,300.
- (b) County supervisor, \$7,800.
- (c) Other county offices, \$48,500.

For candidates for city office in a first class city (Milwaukee), these maximum aggregate amounts are approximately as follows:

- (a) Mayor, \$121,300.
- (b) City attorney, \$72,800.
- (c) Alderperson, \$7,800.
- (d) Other city offices, \$48,500.

For candidates for local office in a jurisdiction with a population of less than 500,000, these maximum aggregate amounts are approximately 45% of the greater of \$1,075, 53.91% of the annual salary for the office, or the product of \$32.35 times

BILL


the population of the jurisdiction for which the candidate seeks office. However, these maximum aggregate amounts may not be more than \$19,400.

This bill permits a county, city, town or village to enact an ordinance that reasonably limits the making and acceptance of contributions with respect to elections for county, city, town or village office, respectively. The ordinance may prohibit a candidate or a committee from accepting any contribution made or transferred in violation of the ordinance. In addition, similar to current law, the ordinance may reasonably limit the aggregate amount of contributions that a candidate may accept from committees. Similar to current law, the ordinance may also reasonably limit the amount of contributions that an individual or a committee may make with respect to a particular election and may limit the aggregate amount of contributions that an individual may make in a calendar year with respect to all elections for county, city, town or village office, as is applicable. An ordinance enacted by a county may exempt from any limitation on contributions created under the ordinance contributions from a political party committee. Unlike current law, however, the maximum amount of allowable individual or committee contributions under the ordinance may be less than the maximum amount allowed under current law. In addition, unlike current law, the ordinance may limit the total amount of contributions that may be transferred by a conduit with respect to elections for county, city, town or village office.

Local public financing of campaigns for local office

This bill permits a county, city, town or village to enact an ordinance appropriating money to pay for campaign expenses of candidates for county, city, town or village office, respectively. The ordinance may impose reasonable qualifications that a candidate must meet in order to receive funding under the ordinance. The ordinance also may require a candidate, as a condition of receiving funding under the ordinance, to agree to limit the candidate's contributions to his or her own campaign, the candidate's campaign spending or both.

Enforcement of local campaign finance ordinances (city)

 Under current law, every city and county with a population of greater than 500,000 must establish a ~~municipal~~ or county board of election commissioners. The ~~municipal~~ or county board of election commissioners has general authority to administer elections in the city or county. For example, with certain exceptions, a ~~municipal~~ or county board of election commissioners is required to carry out all powers and duties assigned to the municipal or county clerks or the municipal or county board of canvassers under the election laws. Current law does not authorize a city or county with a population of 500,000 or less to establish a board of election commissioners. (city)

This bill permits a city or county that enacts a local campaign finance ordinance under this bill and that has a population of 500,000 or less to create a local elections board to enforce the ordinance. In addition, this bill requires a city or county that enacts a local campaign finance ordinance under this bill and that has a population that is greater than 500,000 to enact an ordinance requiring the ~~municipal~~ or county board of election commissioners to enforce the local campaign finance ordinance. The ordinance providing for enforcement by either the local elections board or the (city)

BILL

city ~~municipal~~ or county board of election commissioners (enforcement ordinance) may include provisions authorizing the local elections board or the board of election commissioners to do any of the following:

(a) Investigate any alleged violation of the local campaign finance ordinance.
(b) Receive and hear any verified complaint alleging a violation of the local campaign finance ordinance.

(c) Issue subpoenas and administer oaths.

(d) Refer any complaint or matter investigated by it to the appropriate prosecuting attorney.

(e) Issue a formal opinion, upon request, regarding the application of the local campaign finance ordinance. Under the bill, the person requesting the formal opinion is not subject to prosecution under the ordinance for acting in accordance with the opinion if the material facts are as stated in the opinion.

In addition, the enforcement ordinance may direct the corporation counsel, or the district attorney in a county that does not have a corporation counsel, to provide counsel to a local elections board created by a county or to a county board of election commissioners regarding the administration of a local campaign finance ordinance enacted under this bill. The enforcement ordinance may also require a city, town or village attorney to provide similar counsel to a ~~municipal~~ board of election commissioners or to a local elections board created by a city, town or village, respectively. Furthermore, the enforcement ordinance may direct the county, city, town or village clerk to provide administrative support services to the local elections board or ~~municipal~~ or county board of election commissioners. city

city ***Local campaign finance registration and reporting***

Under current law, with certain limited exceptions, any candidate for local office and any organization or individual acting in support of or in opposition to any candidate for local office must file a registration statement and various campaign finance reports with the clerk or board of election commissioners in the most populous jurisdiction for which the candidate seeks office. This bill allows a county, city, town or village to enact an ordinance requiring any organization which or individual who takes certain actions regarding the financing of an election for county, city, town or village office to provide the county, city, town or village with a copy of of any registration statement or campaign finance report that, under current law, the organization or individual files with the board.

In addition, this bill allows a county, city, town or village to enact an ordinance requiring electronic filing of any campaign finance reports filed with the county, city, town or village. This bill requires a county, city, town or village enacting an electronic filing ordinance to provide an exception from electronic filing for indigent persons. Currently, registrants who or which are required to file campaign finance reports with the board in an electronic format may purchase the necessary computer software from the board. This bill requires the board also to sell a copy of this software to each registrant who is required to file electronically with a county, city, town or village.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.19 of the statutes is created to read:

2 **7.19 Local elections board.** (1) Any county or city having a population of
3 500,000 or less and any town or village may enact an ordinance establishing a local
4 elections board to oversee elections for county, city, town or village office, respectively.
5 The ordinance shall specify the membership and the method of appointment and
6 terms of the members.

7 (2) An ordinance enacted under this section may contain any of the following
8 provisions:

9 (a) A provision authorizing the local elections board, on its own motion, to
10 investigate any alleged violation of an ordinance enacted under s. 11.55, with respect
11 to an election within the jurisdiction of the local elections board.

12 (b) A provision authorizing the local elections board to receive and hear any
13 verified complaint alleging a violation of an ordinance enacted under s. 11.55, with
14 respect to an election within the jurisdiction of the local elections board. The
15 ordinance may permit the local elections board to summarily dismiss any complaint
16 that it finds to be without merit.

17 (c) A provision authorizing a local elections board created by a county to refer
18 any complaint or matter investigated by it to the corporation counsel, or to the
19 district attorney if the county does not have a corporation counsel, or authorizing a
20 local elections board created by a city, town or village to refer any complaint or matter
21 investigated by it to the city, town or village attorney, respectively.

BILL**SECTION 1**

1 (d) A provision authorizing the local elections board to issue subpoenas and
2 administer oaths for the purpose of carrying out its functions.

3 (e) A provision empowering the local elections board to issue a formal, written
4 opinion concerning the application of an ordinance enacted under s. 11.55 with
5 respect to an election within the jurisdiction of the local elections board to any person
6 upon request. No person acting in good faith upon a formal opinion issued to the
7 person by the local elections board is subject to civil prosecution for so acting, if the
8 material facts are as stated in the opinion request.

9 (f) A provision directing the corporation counsel, or the district attorney if a
10 county does not have a corporation counsel, to provide counsel regarding the
11 administration of an ordinance enacted under s. 11.55 to a local elections board
12 created by a county or directing the city, town or village attorney to provide counsel
13 regarding the administration of an ordinance enacted under s. 11.55 to a local
14 elections board created by a city, town or village, respectively.

15 (h) A provision directing the county, city, town or village clerk to provide
16 administrative support services to a local elections board created by a county, city,
17 town or village, respectively.

18 (3) The creation of a local elections board under sub. (1) does not affect the
19 statutory authority or functions of the district attorney or the county, city, town or
20 village clerk.

21 **SECTION 2.** 7.21 (1m) of the statutes is created to read:

22 **7.21 (1m)** If the city council or county board enacts an ordinance under s. 11.55
23 regarding the financing of elections for city or county offices, the city council or
24 county board shall, by ordinance, authorize the municipal or county board of election
25 commissioners to enforce the ordinance enacted under s. 11.55. An ordinance

BILL

1 enacted under this subsection may contain provisions with regard to the activities
2 and support of the municipal or county board of election commissioners as are
3 allowed under s. 7.19 (2) with regard to the activities and support of a local elections
4 board.

5 **SECTION 3.** 11.21 (17) of the statutes is created to read:

6 11.21 (17) Provide a copy of the software specified under sub. (16) to any person
7 who is required to submit campaign finance reports in electronic format under an
8 ordinance enacted under s. 11.55 (3) (c). The board shall fix the price of software
9 provided under this subsection at an amount that may not exceed cost.

10 **SECTION 4.** 11.55 of the statutes is created to read:

11 **11.55 Local regulation of campaign financing. (1) REASONABLE LIMITATION**
12 ON CONTRIBUTIONS. (a) *Elections for county office.* The board of supervisors of any
13 county may, by ordinance, regulate the making and acceptance of contributions with
14 respect to elections for county office. The ordinance may reasonably limit the
15 contributions that an individual or a committee may make with respect to an election
16 for county office and may reasonably limit the total contributions that an individual
17 may make in a calendar year with respect to all elections for county office. The
18 maximum amount of contributions that an individual or committee may make under
19 the ordinance may be less than the maximum amount for that contributor under s.
20 11.26 (1) (d), (2) (e) or (4). The ordinance may limit the total contributions that may
21 be transferred by a conduit with respect to an election for county office. The
22 ordinance may also prohibit a candidate or a committee from accepting any
23 contribution made or transferred in violation of the ordinance. In addition, the
24 ordinance may reasonably limit the aggregate amount of contributions that a
25 candidate for county office may accept from committees. The maximum aggregate

BILL

1 amount of contributions that a candidate may accept from committees under the
2 ordinance may be less than the maximum amount for that candidate under s. 11.26
3 (9). The ordinance may exempt from any limitation on contributions created under
4 the ordinance contributions from a political party committee.

5 (b) *Elections for city office.* The common council of any city may, by ordinance,
6 regulate the making and acceptance of contributions with respect to elections for city
7 office. The ordinance may reasonably limit the contributions that an individual or
8 a committee may make with respect to an election for city office any may reasonably
9 limit the total contributions that an individual may make in a calendar year with
10 respect to all elections for city office. The maximum amount of contributions that an
11 individual or committee may make under the ordinance may be less than the
12 maximum amount for that contributor under s. 11.26 (1) (d), (2) (e) or (4). The
13 ordinance may limit the total contributions that may be transferred by a conduit with
14 respect to an election for city office. The ordinance may also prohibit a candidate or
15 a committee from accepting any contribution made or transferred in violation of the
16 ordinance. In addition, the ordinance may reasonably limit the aggregate amount
17 of contributions that a candidate for city office may accept from committees. The
18 maximum aggregate amount of contributions that a candidate may accept from
19 committees under the ordinance may be less than the maximum amount for that
20 candidate under s. 11.26 (9).

21 (c) *Elections for town office.* The board of supervisors of any town may, by
22 ordinance, regulate the making and acceptance of contributions with respect to
23 elections for town office. The ordinance may reasonably limit the contributions that
24 an individual or a committee may make with respect to an election for town office and
25 may reasonably limit the total contributions that an individual may make in a

BILL

1 calendar year with respect to all elections for town office. The maximum amount of
2 contributions that an individual or committee may make under the ordinance may
3 be less than the maximum amount for that contributor under s. 11.26 (1) (d), (2) (e)
4 or (4). The ordinance may limit the total contributions that may be transferred by
5 a conduit with respect to an election for town office. The ordinance may also prohibit
6 a candidate or a committee from accepting any contribution made or transferred in
7 violation of the ordinance. In addition, the ordinance may reasonably limit the
8 aggregate amount of contributions that a candidate for town office may accept from
9 committees. The maximum aggregate amount of contributions that a candidate may
10 accept from committees under the ordinance may be less than the maximum amount
11 for that candidate under s. 11.26 (9).

12 (d) *Elections for village office.* The board of trustees of any village may, by
13 ordinance, regulate the making and acceptance of contributions with respect to
14 elections for village office. The ordinance may reasonably limit the contributions
15 that an individual or a committee may make with respect to an election for village
16 office and may reasonably limit the total contributions that an individual may make
17 in a calendar year with respect to all elections for village office. The maximum
18 amount of contributions that an individual or committee may make under the
19 ordinance may be less than the maximum amount for that contributor under s. 11.26
20 (1) (d), (2) (e) or (4). The ordinance may limit the total contributions that may be
21 transferred by a conduit with respect to an election for village office. The ordinance
22 may also prohibit a candidate or a committee from accepting any contribution made
23 or transferred in violation of the ordinance. In addition, the ordinance may
24 reasonably limit the aggregate amount of contributions that a candidate for village
25 office may accept from committees. The maximum aggregate amount of

BILL**SECTION 4**

1 contributions that a candidate may accept from committees under the ordinance may
2 be less than the maximum amount for that candidate under s. 11.26 (9).

3 (2) ELECTION CAMPAIGN FUND. The board of supervisors of any county or town,
4 the common council of any city or the board of trustees of any village may, by
5 ordinance, provide appropriations to pay for any lawful disbursements made by a
6 candidate for county, town, city or village office, respectively. An ordinance enacted
7 under this subsection may establish reasonable qualifications that a candidate must
8 meet to receive funding from the county, town, city or village. An ordinance enacted
9 under this subsection may require a candidate to agree, as a condition of receiving
10 funding, that he or she will make no contributions to his or her own campaign, no
11 disbursements or neither contributions to his or her own campaign nor
12 disbursements, in excess of an aggregate amount specified in the ordinance. The
13 aggregate amount of disbursements specified in the ordinance may be less than the
14 applicable amount specified for that candidate under s. 11.31 (1) (g) or (h).

15 (3) ADMINISTRATION. (a) *County registration and reporting.* The board of
16 supervisors of any county may, by ordinance, require any committee, group or
17 individual who or which is required to file a registration statement or report under
18 this chapter and who or which makes, transfers or accepts contributions, incurs
19 obligations or makes disbursements with respect to a county referendum or an
20 election for county office but for whom or which the county clerk is not the filing
21 officer under s. 11.02 or 11.20 to file with the county clerk by no later than the date
22 provided for filing the registration statement under s. 11.05 (12) (b) a copy of any
23 registration statement filed by the committee, group or individual and to file with the
24 county clerk by no later than the date provided for filing the report under s. 11.12 (5)
25 or (6) or 11.20 a copy of any report filed by the committee, group or individual.

BILL

1 (b) *City registration and reporting.* The common council of any city may, by
2 ordinance, require any committee, group or individual who or which is required to
3 file a registration statement or report under this chapter and who or which makes,
4 transfers or accepts contributions, incurs obligations or makes disbursements with
5 respect to a city referendum or an election for city office but for whom or which the
6 city clerk is not the filing officer under s. 11.02 or 11.20 to file with the city clerk by
7 no later than the date provided for filing the registration statement under s. 11.05
8 (12) (b) a copy of any registration statement filed by the committee, group or
9 individual and to file with the city clerk by no later than the date provided for filing
10 the report under s. 11.12 (5) or (6) or 11.20 a copy of any report filed by the committee,
11 group or individual.

12 (c) *Town registration and reporting.* The board of supervisors of any town may,
13 by ordinance, require any committee, group or individual who or which is required
14 to file a registration statement or report under this chapter and who or which makes,
15 transfers or accepts contributions, incurs obligations or makes disbursements with
16 respect to a town referendum or an election for town office but for whom or which the
17 town clerk is not the filing officer under s. 11.02 or 11.20 to file with the town clerk
18 by no later than the date provided for filing the registration statement under s. 11.05
19 (12) (b) a copy of any registration statement filed by the committee, group or
20 individual and to file with the town clerk by no later than the date provided for filing
21 the report under s. 11.12 (5) or (6) or 11.20 a copy of any report filed by the committee,
22 group or individual.

23 (d) *Village registration and reporting.* The board of trustees of any village may,
24 by ordinance, require any committee, group or individual who or which is required
25 to file a registration statement or report under this chapter and who or which makes,

BILL**SECTION 4**

1 transfers or accepts contributions, incurs obligations or makes disbursements with
2 respect to a village referendum or an election for village office but for whom or which
3 the village clerk is not the filing officer under s. 11.02 or 11.20 to file with the village
4 clerk by no later than the date provided for filing the registration statement under
5 s. 11.05 (12) (b) a copy of any registration statement filed by the committee, group
6 or individual and to file with the village clerk by no later than the date provided for
7 filing the report under s. 11.12 (5) or (6) or 11.20 a copy of any report filed by the
8 committee, group or individual.

9 (e) *Local filing of campaign finance reports; electronic format.* The board of
10 supervisors of any county or town, the common council of any city or the board of
11 trustees of any village may, by ordinance, require a campaign finance report filed
12 with the county clerk, town clerk, city clerk or village clerk, respectively, to be filed
13 by means of electronic transmission. An ordinance under this paragraph shall
14 require a person to use software obtained from the elections board under s. 11.21 (17).
15 The ordinance shall provide an exception from filing by means of electronic
16 transmission for an indigent person. The ordinance may provide an exception from
17 filing by means of electronic transmission for a person who or which accepts
18 contributions in an aggregate amount that is less than an amount specified in the
19 ordinance. The ordinance may require a person filing by means of electronic
20 transmission to file a signed copy of the report recorded on a medium specified in the
21 ordinance with the county clerk, town clerk, city clerk or village clerk by no later than
22 the date prescribed for filing the report under the ordinance.

23 (f) *Penalties determined by local governments.* The board of supervisors of any
24 county or town, the common council of any city or the board of trustees of any village
25 may, by ordinance, provide for a civil penalty for any violation of an ordinance

BILL

1 enacted under this section or any agreement entered into under an ordinance
2 enacted under this section.

3 (4) CERTIFICATION BY BOARD. The board shall promulgate rules establishing a
4 procedure for board review of each ordinance enacted under this section. The rules
5 shall require the board to certify each ordinance that complies with this section. An
6 ordinance enacted under this section is not effective in any county, city, town or
7 village until the date that the board certifies that the ordinance complies with this
8 section.

9 **SECTION 5. Nonstatutory provisions.**

10 (1) SUBMISSION OF PROPOSED RULES GOVERNING CERTIFICATION OF LOCAL CAMPAIGN
11 FINANCE ORDINANCES. No later than the first day of the 6th month beginning after
12 publication, the elections board shall submit in proposed form the rules governing
13 certification of county, city, town and village campaign finance ordinances under
14 section 11.55 (4) of the statutes, as created by this act, to the legislative council staff
15 under section 227.15 (1) of the statutes.

16 **SECTION 6. Effective date.**

17 (1) The treatment of sections 7.19, 7.21 (1m), 11.55 and 11.21 (17) of the statutes
18 takes effect on the first day of the 12th month beginning after publication.

19 (END)